

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 7. Mediation Questionnaire

Instructions for this form: <https://www.ca9.uscourts.gov/forms/form7instructions.pdf>

9th Cir. Case Number(s) 22-56199

Case Name Yuga Labs, Inc. v. Ryder Ripps, et al.

Counsel submitting this form Louis Tompros

Represented party/parties Ryder Ripps and Jeremy Cahen

Briefly describe the dispute that gave rise to this lawsuit.

This dispute arises from Appellants' conceptual and performance art, a non-fungible token ("NFT") collection titled "RR/BAYC." The NFT collection expresses criticism about Appellee Yuga Labs's fraud and use of racist and neo-Nazi dog whistles and imagery in its well-known "Bored Ape Yacht Club" line of NFTs. In response, Appellee filed suit, asserting, inter alia, that Appellants' artwork infringed their alleged trademarks under both federal and state law and raising a number of related legal claims.

Briefly describe the result below and the main issues on appeal.

At the pleadings stage, Appellants filed a combined FRCP 12(b)(6) motion to dismiss (challenging the federal claims) and an anti-SLAPP motion (challenging the state claims). In denying the anti-SLAPP motion, the district court held that Appellants had not shown that the state law claims arose from acts made in furtherance of their constitutional right to free speech in connection with a public issue. Because the district court concluded that Appellants had not met their burden to show a sufficient connection between this litigation and a free speech issue, it did not reach the secondary question of whether Appellees had demonstrated a probability of prevailing on their state law claims.

This appeal will challenge, at a minimum, the district court's ruling that Appellee's suit does not target activity arising out of Appellants' free speech rights.

Describe any proceedings remaining below or any related proceedings in other tribunals.

Proceedings are ongoing in the district court case, with the close of discovery scheduled on April 3, 2023, and trial scheduled to begin on June 27, 2023.

The parties are scheduled to conduct a mediation before Hon. Suzanne Segal (Ret.) on January 19, 2023.

Appellants are not aware of any related cases.

Signature

Date

(use "s/[typed name]" to sign electronically-filed documents)